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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,577	09/15/1998	DANIEL J. ZIGMOND	3382-50875/S	5732

26119 7590 08/24/2006

KLARQUIST SPARKMAN LLP  
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EXAMINER
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PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/153,577

Applicant(s)

ZIGMOND ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims pending in the application are 6,7,11-13,15,16,21,22,24-26,28,30-35,38-41,43-55,57-59,61-69,71-73 and 75-101.

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 6,7,11-13,15,16,21,22,24-26,28,30-35,38-41,43-55,57-59,61-69,71-73 and 75-101.

### **Election/Restrictions**

Restriction to one of the following inventions is requirement under 35 U.S.C. 121:

- I. Claims 6, 13, 15, 16, 25, 26, 28, 30-35, 38-40, 41, 43, 44-51, 62-66, 68, 69, 71-73, 75-77, and 78-81, drawn to responsive to a signal from a viewer during the displaying the icon, displaying a graphical control panel operable by the viewer to cause display of the auxiliary data associated with the icon wherein the graphical control panel is displayed before displaying of the auxiliary data; and responsive to a second signal from the viewer during the displaying the control panel, ending the displaying the control panel, classified in class 725, subclass 32.
- II. Claims 21, 22, 24, 52-55, 57-59, 83, and 95-101, drawn responsive to a second further indication of viewer interest adding identifying data for said page of supplementary data into a favorites folder, classified in class 725, subclass 9
- III. Claims 82, 84, 86, 87-94, drawn to if the subsequent logical address link data does not match any of the at least some previous logical address link data, causes display of the icon during the display of the television programming, the icon indicating the availability of additional auxiliary data referenced by the subsequent logical address link data; and if the subsequent logical address link data does match any of the at least some previous logical address link data skips display of the icon during the display of the television programming, classified in class 725, subclass 10.

IV. Claim 85, drawn to said indication of viewer interest adding data identifying said page of supplementary data to a log; displaying at least part of the log; and in response to user selection of the added data in the displayed log, re-displaying said page of supplementary data, classified in class 725, subclass 34.

Inventions I, II, III, and IV are related as combinations disclosed as usable together in a single combination. The combinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as "responsive to a second further indication of viewer interest adding identifying data for said page of supplementary data into a favorites folder" and Invention III has a separate utility such as "if the subsequent logical address link data does match any of the at least some previous logical address link data skips display of the icon during the display of the television programming", and Invention IV has a separate utility such as "a log; displaying at least part of the log; and in response to user selection of the added data in the displayed log, re-displaying said page of supplementary data", See MPEP j 806.05(d).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571)

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272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

**TAMMARA PEYTON  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Tammara Peyton', written in a cursive style.

Tammara Peyton

August 21, 2006